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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,702	10/22/2003	Ko-Po Chen	OR0319	4047
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LAW OFFICE OF LIAUH & ASSOC. 4224 WAIALAE AVE STE 5-388 HONOLULU, HI 96816			EXAMINER THANH, QUANG D	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,702	Applicant(s) CHEN, KO-PO	
	Examiner Quang D. Thanh	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/22/2003.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-16 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-3 and 10-11 are objected to because of the following informalities: the phrase " for mounting" does not ***positively*** recite the structure following the phrase. Since the structure is positively recited in the later claims, it is suggested that the phrase "for mounting" is to be replaced with -- mounted by --. Appropriate correction is required.
2. Claim 15 is objected to because of the following informalities: the limitation "the driven shaft" lacks antecedent basis.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "***sensor blocking*** piece" is unclear as to what type of signal or information (positioning ?) that is sensed by this piece, or is it a piece that would block some signal ?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-6, 9-11 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (5,630,790).

7. Re claims 1-3, 5-6, 9-11 and 13-14, Ito discloses a massaging device for incorporation into a seat of chair or a mat (see abstract), thus capable of massaging the legs of a user while sitting down on the seat of the chair or lying down on the mat, comprising an outer frame (including racks 4 as shown in fig. 1) which is provided with a reciprocating displacement mechanism whereby the reciprocating displacement mechanism comprises an inner frame 2 mounted by a massaging roller 7 such that the massaging roller is actuated to engage in a reciprocating motion on the outer frame (fig. 1); wherein the inner frame is provided with a bearing seat 16 (fig. 2) mounted by a drive shaft 30 (fig. 2) whereby the drive shaft is connected at one end to a drive source 8/9 (fig. 2) and is provided with a transmission set 3/4 (fig. 2); wherein the inner frame 2 of the reciprocating displacement mechanism is provided with a bearing seat (fig. 2) mounted by a driven shaft 34; wherein the drive source of the reciprocating displacement mechanism is a motor 8 (fig. 2) whereby the motor serves to drive the drive shaft via a variable speed mechanism (col. 2, lines 24-26); wherein the transmission set of the reciprocating displacement mechanism comprises two gears 3

which are respectively mounted on two ends of the drive shaft 30 such that the two gears are engaged with a rack 4 (fig. 1) mounted on the outer frame.

8. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamabe et al. (4,412,534).

9. Hamabe discloses a massaging device that is relates generally to bed-type and chair-type for applying massages to both side muscles of a body portions (col. 1, lines 4-7), thus capable of massaging the legs of a user while lying down on the bed, comprising an outer frame 4 which is provided with a reciprocating displacement mechanism whereby the reciprocating displacement mechanism comprises an inner frame mounted by a massaging roller 2 (figs. 2 and 4) such that the massaging roller is actuated to engage in a reciprocating motion on the outer frame; wherein the inner frame is provided with a bearing seat 22 mounted by a drive shaft 1 (fig. 3) whereby the drive shaft 1 is connected at one end to a drive source M (fig. 4) and is provided with a transmission set; wherein the inner frame of the reciprocating displacement mechanism is provided with a bearing seat 9 for mounting a driven shaft 3 (fig. 3); wherein the driven shaft 3 is provided at two ends with a roller 17 (fig. 4) whereby the roller is slidably disposed in a slide slot frame 7 of the outer frame (fig. 2, col. 4, lines 16-19); wherein the transmission set of the reciprocating displacement mechanism comprises two gears (pinions) 15 which are respectively mounted on two ends of the drive shaft 1 (fig. 3, col. 4, lines 35-39) such that the two gears 15 are engaged with a rack 8 (fig. 2) of the outer frame (fig. 2); wherein the drive shaft 1 is provided at two ends with a roller

17 (col. 4, lines 35-37) whereby the roller is slidably disposed in a slide slot frame 7 of the outer frame (figs. 2 and 4); and as best understood, the drive shaft of the reciprocating displacement mechanism is provided with a sensor blocking piece MS (figs. 3-4).

10. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kan et al. (6,991,609).

11. Re claims 1-4, Kan discloses a massaging device comprising a massage assembly as incorporated in a backrest of a chair or bed (col. 1, lines 59-61), thus capable of massaging the legs of a user while lying down on the bed, comprising an outer frame 22/23/24 (fig. 2) which is provided with a reciprocating displacement mechanism whereby the reciprocating displacement mechanism comprises an inner frame mounted by a massaging roller 55/55a (figs. 2-3) such that the massaging roller is actuated to engage in a reciprocating motion on the outer frame; wherein the inner frame is provided with a bearing seat 42 mounted by a drive shaft 30 (fig. 3) whereby the drive shaft 30 is connected at one end to a drive source 33 (fig. 2) and is provided with a transmission set (fig. 2); wherein the inner frame of the reciprocating displacement mechanism is provided with a bearing seat 59 for mounting a driven shaft 52 (fig. 3); wherein the driven shaft 52 is provided at two ends with a roller 53 (figs. 2-3) whereby the roller is slidably disposed in a slide slot frame 24 of the outer frame (figs. 2 and 3).

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12. Re claims 6-7, Kan discloses a massaging device comprising a massage assembly as incorporated in a backrest of a chair or bed (col. 1, lines 59-61), thus capable of massaging the legs of a user while lying down on the bed, comprising an outer frame 22/23/24 (fig. 2) which is provided with a reciprocating displacement mechanism whereby the reciprocating displacement mechanism comprises an inner frame mounted by a massaging roller 55/55a (figs. 2-3) such that the massaging roller is actuated to engage in a reciprocating motion on the outer frame; wherein the inner frame is provided with a bearing seat 59 mounted by a drive shaft 52 (fig. 3) whereby the drive shaft 52 is connected at one end to a drive source (motion converting mechanism, col. 3, lines 18-23, fig. 2) and is provided with a transmission set 54/26 (fig. 2); wherein the transmission set of the reciprocating displacement mechanism comprises two gears (pinions) 54 which are respectively mounted on two ends of the drive shaft 52 (fig. 2-3, col. 3, lines 18-23) such that the two gears 53 are engaged with a rack 26 (fig. 2) of the outer frame (figs. 2-3); wherein the drive shaft 52 is provided at two ends with a roller 53 whereby the roller is slidably disposed in a slide slot frame 24 of the outer frame (figs. 2-3).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 9-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamabe et al in view of Chen (6,599,261).

15. Re claims 9-12 and 16, Hamabe discloses the claimed invention including all the claimed features as discussed above, except that it is silent regarding the massaging device being incorporated into a chair and having a plurality of pivoting holes provided in the outer frame for fastening the device to the chair. However, Chen teaches a leg massage device for use in conjunction with a leg frame of a massage chair (fig. 4) and the device having a plurality of pivoting holes provided in the outer frame for fastening the device to the chair (figs 1 and 4). Moreover, since Hamabe already teaches that the device can be used in conjunction with a chair-type or a bed-type massage apparatus (col. 1, lines 4-7), therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the device in the Hamabe's reference, to include a plurality of pivoting holes provided in the outer frame as suggested and taught by Chen, for the purpose of providing connection means for fastening the device to the chair so that massaging therapy can be applied to the legs of the user .

16. Re claims 14-15, Hamabe discloses the transmission set of the reciprocating displacement mechanism comprises two gears 15 (pinions, fig. 4) which are respectively mounted on two ends of the drive shaft 1 (fig. 3, col. 4, lines 35-39) such that the two gears are engaged with a rack 8 (fig. 2) mounted on rails 7 of the outer frame (fig. 2); and the drive shaft 1 and the driven shaft 3 are provided at two ends with a roller 17 (figs. 3-4) whereby the roller is slidably disposed in a slide slot frame 7 of the outer frame (fig. 2).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizrachy et al. '121 discloses a massage device for the legs. Kim '313 discloses a lie-down massager. Kahn '012 discloses a massage apparatus.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quang D. Thanh
Patent Examiner
Art Unit 3764
(571) 272-4982